



## INTERIOR BOARD OF INDIAN APPEALS

Wallace Wells, Jr. v. Aberdeen Area Director, Bureau of Indian Affairs

23 IBIA 9 (10/20/1992)

Related Board cases:

23 IBIA 7

24 IBIA 142



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

WALLACE WELLS, JR.  
Appellant

v.

ABERDEEN AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Docketing and Dismissing  
: Appeal  
:  
:  
: Docket No. IBIA 93-11-A  
:  
:  
: October 20, 1992

The Board has received a notice of appeal from Wallace Wells, Jr., who states that he is appealing the inaction of the former Superintendent of the Crow Creek Agency, Bureau of Indian Affairs, under 25 CFR 2.8. Appellant submits a copy of his September 15, 1992, notice of appeal to the Area Director and states that the Area Director has "entirely failed to respond" to that notice of appeal. It appears that his appeal concerns an action taken by a BIA police officer in 1988.

Appellant's notice of appeal to the Board is clearly premature. Under 25 CFR 2.19(a), the Area Director is required to render a decision in an appeal "within 60 days after all time for pleadings (including all extensions granted) has expired." Accordingly, this matter is not properly before the Board at this time. See Wells v. Aberdeen Area Director, 23 IBIA 7 (1992).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed as premature.

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//original signed

Anita Vogt  
Administrative Judge

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge